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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Dallas, TX 75380

EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,800

Applicant(s)

HERLE ET AL.

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,12-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,12-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2,5-9,12-15,17-22 have been examined.

Claim Objections

2. Claim1 is objected to because of the following informalities: the second amended limitation should read "a second text name checksum value calculated from only said second plurality of text names". Appropriate correction is required.

Response to Amendment

3. This communication is responsive to Amendment D, filed 2/9/2006.
4. Claims 1-2,5-9,12-15,17-22 are pending in this application.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. et al ("Martin", Us 6509913) in view of Brodersen et al ("Brodersen", US6324693) in view of Bodnar ("Bodnar", US 6,544,295).

As per independent claim 1, Martin discloses a wireless communication device (Figure 2A item 216) comprising: a main controller capable of executing a basic operating system application program that operates communication functions of said wireless communication device and that controls a first graphical user interface (Column 4 lines 39-49) for interacting with a user (Column 4 lines 44-49); and a memory, within the wireless communication (Figure 4) coupled to said main controller capable of storing first GUI configuration file (Column 5 lines 26-31) and second GUI configuration file (Figure 3b item 366, Column 11 lines 9-12), wherein said first GUI configuration file contains first GUI parameter text names and a corresponding plurality of data comprising at least one of: sounds, graphical and menu hierarchy associated with said first graphical user interface (Column 6 lines 18-27), and said second configuration file contains second GUI parameter data comprising second plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface (Column 6 lines 18-27). However, Martin fails to distinctly point out validating the two configuration files. However, Brodersen teaches a method wherein said main controller is operable to validate said second parameter data by comparing a first text name checksum value associated with said first GUI configuration a second text name checksum value associated with said second GUI configuration file (Column 17 lines 51-60). Therefore, it would have been obvious to an artisan at the time of invention to combine the method of Martin with the teaching Brodersen. Motivation to do so would have been to prevent inadvertently applying changes that are not supported. Martin-

Brodersen fail to distinctly point out calculating a checksum only from a plurality of text names. However, Bodnar teaches a checksum calculated from only a plurality of text names (Column 24 lines 6-33, Column 25 lines 36-43). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Bodnar with the device of Martin-Brodersen. Motivation to do so would have been to provide an actual checksum derived from the HTML.

As per claim 2, which is dependent on claim 1, Martin-Brodersen-Bodnar discloses a device wherein said main controller replaces at least a portion of said first GUI parameter data with said second GUI parameter data in response to a determination that said first and second text name checksum values are equal (Brodersen, Column 18 lines 54-60).

As per claim 5, which is dependent on claim 2, Martin-Brodersen-Bodnar discloses a device wherein said first GUI configuration file is a system default GUI configuration file (Martin, Column 7 lines 19-29).

As per claim 6, which is dependent on claim 2, Martin-Brodersen-Bodnar discloses said wireless communication device being a cellular telephone handset (Martin, Column 1 lines 19-21).

As per claim 7, which is dependent on claim 2, Martin-Brodersen-Bodnar a device wherein said wireless communication device is a personal digital assistant (PDA) device (Martin, Column 1 lines 19-21).

Claim 8 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

Claim 12 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 13 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 14 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

As per claim 17, which is dependent on claim 2, Martin-Brodersen-Bodnar discloses a device wherein the second GUI configuration file is a service provider GUI configuration file (Martin, Column 5 lines 9-60).

As per claim 18, which is dependent on claim 17, Martin-Brodersen-Bodnar discloses a device wherein the second GUI configuration file is downloaded to the wireless communication device (Martin, Column 5 lines 9-60)

Claim 19 is similar in scope to that of claim 17, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 18, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 17, and is therefore rejected under similar rationale.

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Claim 22 is similar in scope to that of claim 18, and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to claim 1,2,5-9,12-15 and 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ryan Pitaro

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Patent Examiner

RFP

Kristine Kincaid
SUPERVISOR OF PATENT EXAMINERS
TECHNOLOGY CENTER